

REMARKS

In response to the office action dated March 30, 2004, applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-34 were rejected in the office action. Claims 1, 12, 17 and 27 have been amended. Claims 2, 20 and 23-26 have been canceled. Claims 35-39 have been added. No new matter has been added by the amendments. Therefore, following entry of the present response, claims 1, 3-19, 21-22 and 27-39 will be pending in the present application.

Applicants would like to thank Examiner Miller for agreeing to conduct a telephonic interview on June 3, 2004. Applicants also thank Examiner Miller for allowing applicants to discuss the nonobviousness of the present application in light of presently asserted prior art. Although agreement as to exact claim amendments was not reached, applicant's discussion was helpful in facilitating and progressing the prosecution of the present application.

Claims 1, 4-14, 16-19, 21-22, 27-30 and 32-34 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,038,451 to Syed *et al.* ("Syed") in view of U.S. Patent No. 6,393,288 to Sollee *et al.* ("Sollee"). Claims 3, 15 and 31 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Syed in view of Sollee and U.S. Patent No. 6,584,316 to Akhteruzzaman *et al.* (Akhteruzzaman).

The office action suggests that the present invention requires the pre-registration or pre-designation of subscriber locations to which a communication may be forwarded and therefore is unpatentable over Syed in view of Sollee. (Office Action dated March 30, 2004 at p. 2.) Applicants respectfully disagree because the invention does not require such pre-registration or pre-designation of subscriber locations. The claims have been amended to clearly reflect this.

Briefly, the present invention provides for location-based forwarding of communications. In one embodiment, a telephone call is received from a calling party to a called party and a location of the called party is determined. A proximity of the location of the called party to one or more subscriber locations is determined, and the telephone call is directed to one or more subscriber locations based on the determined proximity. The location of the called party may be determined using a global position system and/or a radio

frequency signal, for example. Also, the telephone call may be forwarded to a wireless communication device, a voice mail system, or another user, based on the determined proximity.

Independent claims 1, 12 and 27 have been amended to reflect that the subscriber locations are identified independent of any prior predetermination. In other words, a call may be forwarded to a number without requiring that the number be preregistered by a party. Support for the present amendments to claims 1, 12 and 27 is found throughout the present specification and particularly where it states:

[T]he predetermined designators may not be identified by the subscriber, but may be determined by the telephone service provider in real-time. For example, the telephone service provider may forward a call to a bank of public pay telephones that called party 302 happens to be passing at the time the telephone call is received from the calling party. Therefore, it should be appreciated that the call from the calling party may be forwarded to any communication device within the network, to which the called party 302 is nearest at the time the call is processed.

(Specification – page 20, lines 11-17).

As the office action itself notes, “Syed teaches determining the proximity of a location of the called party to a registered subscriber location (see col. 6, lines 21-24).” (Office Action dated March 30, 2004 at p. 2.) Syed requires the called-party to provide pre-registration and pre-identification of potential locations to which to forward a phone call. Syed “***maintains*** in a subscriber record for the wireless subscriber ***a list of registered forwarding number*** [sic] and corresponding registered geographic locations.” (Syed at col. 3, ll. 40-43) (emphasis added). When a call is received and the called party is located, “[the] location based call forwarding system will determine if [the called] wireless unit is near a ***registered wireline number that the calling party has designated*** for call forwarding.” (Syed at col. 4, ll. 38-42) (emphasis added). Therefore, pre-registration of potential phone numbers to which to forward a phone call in Syed is a required precursor.

Likewise, Sollee, as the office action notes, “teaches determining the proximity of a location of the called party to one or more subscriber locations (see col. 3, lines 53-55 and col. 4, lines 26-28 & 33-36)” (Office Action dated March 30, 2004 at p. 2.) The subscriber locations in Sollee correspond to “HomeZone” locations that are geographic areas pre-assigned by the service provider. (Sollee at col. 1, ll. 44-46 & col. 4, l. 36.)

Accordingly, because the present invention does not require pre-registration by the called party of potential subscriber locations to which to forward a communication, Applicants respectfully traverse the 35 U.S.C. 103(a) rejection of claims 1, 4-14, 16-19, 21-22, 27-30 and 32-34 over Syed in view of Sollee. Likewise, Applicants respectfully traverse the 35 U.S.C. 103(a) rejection of claims 3, 15 and 31 over Syed in view of Sollee and Akhteruzzaman.

As previously noted, new claims 35 through 39 have been added. These claims are generally directed to a method for location-based forwarding of a communication directed to a wire line of a called party. Briefly, in one embodiment, when a communication is received, the location of the called party is determined, and the communication is forwarded based on the proximity of the called-party to subscriber locations. Claims 35 through 39 provide that, for a communication directed to a *wire line* of a called party, the invention may further include forwarding the communication to subscriber locations that have been predetermined by the called party. (*Specification* — page 25, lines 5-16).

Support for the amendment adding claims 35-39 is found throughout the present specification and particularly where it states, “[t]he receiving party may include called party’s home telephone 124, as discussed with reference to Figure 1, for example.... [A] called party’s telephone may be described as a ‘home telephone,’ ‘work telephone,’ and ‘wireless telephone,’ for example.” (*Specification* — page 6, lines 9-10).

Syed, on the other hand, teaches location-based call forwarding for phone calls placed to a called party’s *wireless* mobile unit only. The office action states that Syed teaches the forwarding of telephone calls placed to “a called party line (see col. 3, lines 22-26 and col. 4, lines 20-21).” (Office Action dated March 30, 2004 at p. 2.) With all due respect to the contention in the office action, this statement does not accurately characterize Syed. Syed discloses that “the calling party may be either a wireless subscriber placing the call from a wireless unit or from a wireline unit, i.e., standard telephone. The *called party is a wireless subscriber* having a wireless mobile unit.” (Syed at col. 3, ll. 25-28) (emphasis added).

Because Syed does not disclose a location-based call forwarding system for communications directed to a called party’s wire line, allowance of new claims 35-39 is believed proper and respectfully solicited.

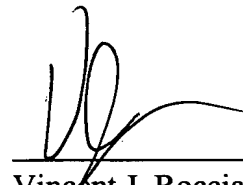
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PATENT

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact Applicants' attorney at (215-564-8946).

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